

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: AVANDIA MARKETING, SALES PRACTICES
AND PRODUCTS LIABILITY LITIGATION**

:
: **MDL No. 1871**
:
: **No. 07-MD-1871**
:
: **Hon. Cynthia M. Rufe**

This Document Relates To:

ALL THIRD PARTY PAYOR ACTIONS

MODIFIED SECOND CASE MANAGEMENT ORDER

WHEREAS the Court entered the Second Case Management Order (Doc. No. 5361, “CMO No. 2”) on July 21, 2021, and the Special Discovery Master filed the Discovery Notice codifying the deadlines established by CMO No. 2 on January 28, 2022 (Doc. No. 5390).

WHEREAS the current fact-discovery deadline under CMO No. 2 is July 27, 2022.

WHEREAS the Special Discovery Master, after considering written submissions and oral presentations of the parties, has recommended that the fact-discovery deadline be extended by three months, to October 27, 2022, and that certain interim deadlines and procedural rules be added to CMO No. 2.

WHEREAS the Third Party Payor Plaintiffs (“TPP Plaintiffs”) and defendant GSK have agreed to accept the Special Discovery Master’s recommendation.

IT IS HEREBY ORDERED,

1. The following schedule shall apply to the TPP Plaintiffs’ actions:

EVENT	DEADLINE
Service of additional document requests or interrogatories	May 31, 2022

Service of additional third-party document subpoenas	June 24, 2022
Substantial completion of document productions	July 8, 2022
Service of privilege logs	July 29, 2022 ¹
Raising disputes with the Special Discovery Master	September 2, 2022 ²
Close of fact discovery	October 27, 2022
Service of opening expert reports for the party with the burden of proof on an issue, including class certification	November 28, 2022
Service of responsive expert reports	January 27, 2023
Service of expert rebuttal reports	February 27, 2023
Close of expert discovery, including expert depositions	March 29, 2023
TPP Plaintiffs' filing of motion for class certification	March 13, 2023
GSK's filing of opposition to class certification motion	May 12, 2023
TPP Plaintiffs' filing of reply in support of class certification motion	June 12, 2023

¹ For document productions occurring after July 8, 2022, privilege logs must be served within 21 days of the document production.

² Where issues arise after September 2, 2022 that could not have been anticipated and raised with the Special Discovery Master before that date, they must be submitted to the Special Discovery Master within five business days of the moving party first raising the issue with the opposing party. The parties must meet and confer promptly between the identification of the issue and the deadline for raising the issue with the Special Discovery Master. Any dispute regarding the timeliness of raising the issue and whether it could have been raised before the September 2, 2022 deadline should be included in submissions to the Special Discovery Master. The parties' discussions regarding issues such as deposition scheduling should take place well before the September 2, 2022 deadline, even if the depositions will not occur until after that date, and thus, in the ordinary course, any deposition scheduling disputes should be raised before the September 2, 2022 deadline.

Hearing on class certification	To be determined by the Court.
Filing of summary judgment and <i>Daubert</i> motions	August 11, 2023
Filing of opposition briefs to any summary judgment or <i>Daubert</i> motions	September 11, 2023
Filing of reply briefs in support of any summary judgment or <i>Daubert</i> motions	October 2, 2023
Hearing(s) on summary judgment and <i>Daubert</i> motions	To be determined by the Court.

2. Discovery shall be governed by the following additional rules:

a. The parties shall hold discovery status calls with the Special Discovery Master every two weeks, beginning the week of June 13, 2022. The frequency of these calls may be increased or decreased by the Special Discovery Master, if warranted by developments regarding discovery.

b. The time period for responding to a letter brief raising an issue with the Special Discovery Master is five business days. The Special Discovery Master can shorten the response period, where necessary to address emergent issues, or lengthen the response period, upon good cause shown. No reply brief may be filed without permission of the Special Discovery Master.

c. The parties are encouraged to bring to the Special Discovery Master's attention any dispute arising before September 2, 2022 within ten business days of the issue first being raised by one party to the opposing party. This guideline does not relieve the parties of their obligation to meet and confer regarding all disputes prior to bringing them to the Special Discovery Master's attention.

d. The time period for filing objections to a Report & Recommendation filed with the Court by the Special Discovery Master is ten days. Any response to objections must be filed within ten days, and any reply brief must be filed within five days. No sur-reply brief is permitted. These time periods can be shortened or lengthened only by the Court.

e. No further extensions of the fact-discovery deadline will be granted absent extraordinary and compelling circumstances.

Cynthia M. Rufe, J.

Dated: _____, 2022